

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Douglas Van Vickle,

File No. 23-cv-618 (ECT/TNL)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

State of Minnesota,

Respondent.

Magistrate Judge Tony N. Leung issued a Report and Recommendation on June 15, 2023. ECF No. 8. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 8] is **ACCEPTED**;
2. Petitioner Douglas Van Vickle's Petition for Habeas Corpus Relief [ECF No. 1] is **DISMISSED** without prejudice;
3. Petitioner's Motion for Post-Conviction Remedy [ECF No. 2] and his application to proceed in forma pauperis [ECF No. 5] are **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 17, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court